# IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 5 OF 2007

MR. PIEDADE AZAVEDO ....Petitioner

Versus

THE STATE OF GOA THROUGH CHIEF SECRETARY AND 2 ORS. ....Respondents

Mr. Joseph Vaz,Advocate for the Petitioner.

Ms. Winnie Coutinho, Public Prosecutor for the Respondents.

Coram:- S.A.BOBDE &
N. A. BRITTO, JJ.

Date:- 12th March, 2007

P.C.:-

By this petition, the petitioner seeks a writ of mandamus for a direction to the respondents Police to complete the investigation and to trace the missing persons and for a further direction to transfer the case and investigation to the Crime Branch.

In brief, it appears that the petitioner's wife left his society along with their two children aged about 8 and 11 years some time on 7th October, 2006. The Petitioner did not find them at home when he returned. He lodged a complaint with the Old Goa Police Station and the petitioner informed the Police about the calls he received from Ratnagiri. However, the Police have not yet been able to trace her and the two children.

The respondents have filed an affidavit of one Vishwesh Paramanand Karpe who has stated that on 8-10-2006 when the petitioner informed him that he had spoken to his wife he made a call on the same day and she told him that she is safe with the children and does not wish to return back because she is afraid that the petitioner would beat her up. She has also told the affiant that she has informed the petitioner

accordingly.

In view of the circumstances of the case, we see no reason to exercise the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India particularly since it appears that no offence is committed and none alleged by the petitioner. There is no prayer in the nature of a writ of habeas corpus either.

In the circumstances, the petition is hereby dismissed.

S.A.BOBDE, J.

N. A. BRITTO, J.

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